



15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT
APPLICATION OF:

James Patrick GOODWIN *et al.*

SERIAL No.:

10/044,922

ATTORNEY
DOCKET NO.:

042846-0313071

FILING DATE:

January 15, 2002

ART UNIT:

2179

EXAMINER:

William D. Hutton, Jr.

FOR:

SYSTEM AND METHOD FOR CALCULATING A USER AFFINITY

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 9, 2005, Applicants hereby elect to proceed with prosecution of generic independent claims 1, 16, 31, and 46. These independent claims correspond to steps illustrated in Figure 1, which appear to relate most closely to what the examiner identifies as Species 2. Dependent claims 2-15, 17-30, 32-45 and 47-60 depend from corresponding generic claims 1, 16, 31, 46 and are therefore also selected for examination.

Since the claims that appear to correspond to Specie 1 (i.e., claims 2, 3, 4, 6) are dependent from the generic independent claims that correspond to Specie 2, this restriction appears improper at least because the claims for Specie 1 are not "independent and distinct" from the claims that correspond to Specie 2 (see MPEP 802). Thus, applicant respectfully traverses this restriction. Prompt and favorable examination on the merits is respectfully requested.

Date: **July 11, 2005**

Respectfully submitted,

By:

Sean L. Ingram
Registration No. 48,283

Customer No. 00909

PILLSBURY WINTHROP
SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Main: 703-905-2000
Direct Dial: 703-905-2107
Fax: 703-905-2500